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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,567	09/19/2003	William H. Laletin	21463/1-4	8607
7590 02/11/2005			EXAMINER	
Mark S. Leonardo, Esq. Brown Rudnick Berlack Israels LLP One Financial Center Boston, MA 02111			DESTA, ELIAS	
			ART UNIT	PAPER NUMBER
			2857	

DATE MAILED: 02/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/666,567

Applicant(s)

LALETIN ET AL.

Examiner

Elias Desta

Art Unit

2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21-25 is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☒ Claim(s) 2-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 07/06/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Detailed Action

Specification

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Drawing Objection

2. The drawing is objected to because of the following minor informalities:
 - Figs. 1, 2, and 4-9: provide an appropriate pointing arrow from the subsection to the corresponding label and in Fig. 7, label box 20 as to function.

Claim rejection – Obvious Type

3. Claim 1 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10/443230. Although the conflicting claims are not identical, they are not patentably distinct from each other because it would have been obvious to one having ordinary skill in the art that the system under test (as noted in claim 1 of the instant application) and the electric or

electrochemical system as noted in claim 1 of Application No. 10/443230 are basically equivalent. In Application 10/443230, the time varying current is synchronized with the sampling schedule, similarly in the instant application the analog-to-digital conversion of the sample (or a synchronous sampling clock controlling means) controls test data. Both the instant application and 10/443230 performs at least one analysis of the digital response signal (the acquired signal).

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Allowable Subject Matter

4. Claims 2-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Allowance

5. Claims 21-25 are allowed. The following is an examiner's statement of reasons for allowance:

In reference to claim 21: Underwood (U.S. Patent 5,299,459) teaches a multiplexer, digitally swept-sine-wave vibration test controller employing an adaptive control method, which compensates for non-linear and time variant

physical characteristics of a system under test for instrumentation errors (see Underwood, Fig. 1 and column 2, lines 50-63).

Underwood does not teach an apparatus for determining characteristic of a system under test as claimed in the instant application. The claimed invention is an apparatus disposed to perform electrical and electrochemical measurements that includes an excitation driver, receiver, a response sensing preamplifier, a synchronous sampling means; and a suitable means of interconnection to a system or device under test, whereby an excitation signal may be forced to flow through the system, and the resultant conjugate response signal is detected and conveyed to the preamplifier operatively connected to a synchronous sampling means.

Citation of pertinent prior art:

- Lau et al. (IEEE Article, 'DSP Based Fuzzy Controlled 2-Wheeler Forward Converter') teaches a full digital control of a two-wheeler forward converter using a fuzzy logic approach on a digital signal processor (DSP) based platform.
- Allington (U.S. Patent 5,040,126) teaches method for predicting steady-state conditions.
- Stemporzewski, Jr. et al. (U.S. Patent 5,771,178) teaches fail-safe fluid transfer controller.

- Hiwada et al. (U.S. Patent 5,051,689) teaches a test head with improved shielding.
- Thong (U.S. Patent 4,758,779) teaches probe body for an electrical measurement system.
- Borrelli et al. (U.S. Patent 3,931,506) teaches a method and apparatus for automatic, programmed, in-circuit component testing and functional testing.

The remaining claims 22-25 are dependent upon claim 21 and contain further limitations.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elias Desta whose telephone number is (571)-272-2214. The examiner can normally be reached on M-Thu (8:30-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S. Hoff can be reached on (571)-272-2216. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-872-9306 for regular communications and After Final communications.


Art Unit: 2857

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)-272-1750.

Elias Desta
Examiner
Art Unit 2857

-ed

January 27, 2005


MARC S. HOFF
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800